

GAHC040011472023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : BA/75/2023

Aga Dolo Bodo
S/o Shri Kiron Dolo,
Resident of Bebo Colony, Seppa, PO/PS Seppa, District East Kameng, Arunachal
Pradesh (6909606142)

VERSUS

THE STATE OF AP and Anr.
Represented through the Public Prosecutor. 2:X
Age: 0
Occupation

Advocate for the Petitioner : Khoda Tama

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 04.09.2023

Heard Mr. K. Tama, the learned counsel for the petitioner
and also heard Mr. T. Ete, the learned Additional Public Prosecutor

for the State of Arunachal Pradesh.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 has been preferred by the petitioner, namely, *Shri Aga Dolo Bodo* who is the son of the present accused, persons, namely, Sri Kiron Bodo, who has been detained behind the bar since 14.07.2023.

3. The accusation in this case is that on 12.07.2023, one Advocate Likha Asha, Chairperson of Child Welfare Committee, Itanagar, lodged an FIR before the Officer-in-Charge of Women Police Station Itanagar, Papum Pare District, *inter alia*, alleging that the victim girl (11 years), who is stated to be in the FIR was brought to the Police Station by the Chairperson of the Committee, wherein she has stated that the present accused have continuously molested her since 6 years. On receipt of the said FIR, Itanagar Women P.S Case No.67/2023 has been registered.

4. Mr. K. Tama, the learned counsel for the petitioner has submitted, on the contrary, that victim girl has falsely implicated the present accused person in this case. It is also submitted by learned counsel for the petitioner that the present accused is 60 years old and has been suffering ailment pertaining to Spinal Cord and has been advised to undergo treatment outside of the State in NEIGHRIMS, Shillong or any other private hospital.

5. The learned counsel for the petitioner has submitted that considering the age and health condition of the present accused and also considering the period of the detention already undergone, he may be allowed to go on bail subject to any conditions imposed by this Court.

6. On the other hand Mr. T. Ete, the learned Additional Public Prosecutor has produced the case diary of Itanagar Women P.S. Case No.67/2023 under Sections 354 of the Indian Penal Code read with Section 8 of the POCSO Act, 2012 and has submitted that the investigation has been fairly progressed.

7. Ms. Likha Asha, who is the informant herself in Itanagar Women P.S. Case No.67/2023, has submitted that the victim girl is presently under the custody of Child Welfare Committee and she does not have any objection, if the present accused, namely, Shri Kiron Dolo is allowed to go on bail.

8. I have considered the submission of the learned counsel for the parties and considering the fact that the present accused, Shri Kiron Bodo is suffering from ailments which require advance medical treatment and also considering the fact that the investigation has otherwise progressed fairly, this Court is of the considered opinion that further custodial detention of the accused Shri Kiron Bodo is not necessary for fair completion of the investigation of Itanagar Women P.S. Case No.67/2023.

9. In view of the above, Shri Kiron Bodo @ Kofa Bodo is allowed to go on bail on bail subject to furnishing a bail bond of Rs.30,000/- with a surety of like amount to the satisfaction of the Special Judge, (POCSO), Yupia, subject to the condition:-

- 1) That the accused shall cooperate with the Investigating Officer of the connected Itanagar Women P.S. Case No.67/2023;
- 2) That the petitioner shall directly or indirectly make any inducement, threat or promise to the victim girl or any other persons acquainted with the facts of this case so as to dissuade him/her from disclosing such facts before the Investigating Officer.

In view of the above, this bail application is hereby disposed of.

Send back the case diary.

JUDGE

Comparing Assistant